

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

New York

MANUEL A. CENTENO,

V.

EAST 115TH STREET ASSOCIATES, INC.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

07 CIV 7647

JUDGE KOELTL

TO: (Name and address of Defendant)

East 115th Street Associates, Inc.
c/o Lasky & Steinberg, P.C.
595 Stewart Avenue, Suite 410
Garden City, New York 11530

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Jaroslawicz & Jaros, LLC
225 Broadway, 24th Floor
New York, New York 10007
(212) 227-2780

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

AUG 28 2007

J. MICHAEL McMAHON

CLERK

DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MANUEL A. CENTENO,

Plaintiff,

-against-

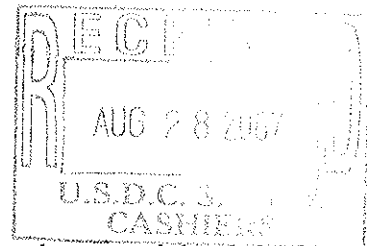
EAST 115TH STREET ASSOCIATES, INC.,

Defendant.

07 Civ.

COMPLAINT

JURY TRIAL DEMANDED



Plaintiff, by his attorneys, Jaroslawicz & Jaros, LLC, complaining of the defendants, upon information and belief, alleges as follows:

THE PARTIES

1. At all times hereinafter mentioned, the plaintiff is a citizen of the State of Pennsylvania.
2. At all times hereinafter mentioned, the defendant is a New York corporation, duly organized and existing under and by virtue of the laws of the State of New York, with its principal place of business in New York, New York.
3. At all times hereinafter mentioned, the defendant owned the premises known as 77 East 115th Street, New York, New York.
4. At all times hereinafter mentioned, the defendant operated the aforementioned premises.

5. At all times hereinafter mentioned, the defendant maintained the aforementioned premises.

JURISDICTION AND VENUE

6. That the amount in controversy exceeds the sum of \$100,000, exclusive of interest and costs.

7. That this Court has jurisdiction over the parties by reason of diversity of citizenship and the amount in controversy, pursuant to 28 U.S.C. 1332.

8. Venue is properly placed in the United States District Court for the Southern District of New York since the occurrence took place here, the defendant does business here, the witnesses are located here, and this is the most convenient place for the trial of this action.

THE UNDERLYING FACTS

9. At all times hereinafter mentioned, plaintiff was employed by Labor Ready at the defendant's premises; the office is located on the retail floor and had a heavy roll-down steel gate to permit access to the premises.

10. The steel gate was defective and on or about February 12, 2005 caused the plaintiff to suffer severe and permanent personal injuries.

11. The plaintiff and others had given notice to the defendant and its agents and employees that the gate was defective but despite such notice, the defendant failed to repair the gate or make proper repairs.

AS AND FOR A FIRST CLAIM FOR RELIEF

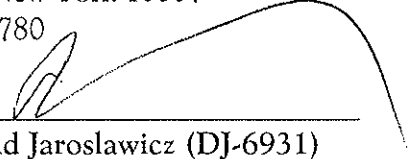
12. The defendants, by its agents, servants and/or employees, was reckless, careless and negligent in failing to provide a safe place to work; in creating a trap, a hazard and a nuisance; in having a gate with a broken or defective chain; in failing to have efficient and sufficient personnel; in failing to repair the gate; in failing to make proper repairs to the gate; in failing to warn of any danger; in failing to provide a safe means of ingress and egress to the premises; in violating the applicable laws, rules and regulations; and defendant was otherwise reckless, careless and negligent.

13. As a result of the defendant's negligence, plaintiff was caused to suffer severe and permanent personal injuries including disc bulge at L4-5; straightening of lumbar lordosis compatible with muscle spasm; disc bulge T10-11 with mild foramina narrowing; numbness and tingling in both lower extremities; plaintiff required lumbar epidural steroid injection; back pain with reduced range of motion; difficulty walking, bending, lifting, driving, sitting and standing; required medications including, Vicodin, Percocet, Flexeril, Motrin and Voltarean; required physical therapy; difficulty dressing and in performing everyday activities as previously; unable to be gainfully employed; chronic lower back pain; lumbar radiculopathy; required cortisone injections, EMG's and electro diagnostic studies; may require surgery; extreme pain and suffering; mental anguish and distress; required hospital and medical care and attention and will require such care and attention in the future; and plaintiff has been otherwise damaged, all of which damages are permanent in nature and continuing into the future.

14. By reason of the foregoing, plaintiff is entitled to recover all of his damages from the defendant.

WHEREFORE, plaintiff demands judgment against the defendant for all damages properly recoverable in an action of this nature, all together with the costs and disbursements of this action.

JAROSLAWICZ & JAROS, LLC
Attorneys for Plaintiff
225 Broadway, 24th Floor
New York, New York 10007
(212) 227-2780

By: 
David Jaroslawicz (DJ-6931)

07 Civ.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MANUEL A. CENTENO,

Plaintiff,

-against-

EAST 115TH STREET ASSOCIATES, INC.,

Defendant.

Summons & Complaint

Jury Trial Demanded

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